IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTIETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 13458 of 2004

Between:

1 G.Sadanand, S/o.Late Shivaiah,
R/o.H.No.6-3-902/A, Somajiguda, Hyderabad.
2 G.Dayanand, S/o.Late Shivaiah,
R/o.H.No.6-3-902/A, Somajiguda, Hyderabad.
3 G.Krishna, S/o.Late Shivaiah,
R/o.H.No.6-3-902/A, Somajiguda, Hyderabad.
4 G.Mallesh, S/o.Late Shivaiah,
R/o.H.No.6-3-902/A, Somajiguda, Hyderabad.

..... PETITIONERS

AND

Municipal Corporation of Hyderabad, rep.by its Commissioner, office at Tank Bund, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the Respondent in issuing the impugned notice No.7 dt.26-07-2004 as arbitrary, illegal, violative of Article 14 & 21 of the Constitution of India consequently set-aside the same AS the same is in gross violation of provisions of the HMC Act, 1955 and in gross violation of principles of Natural Justice,

Counsel for the Petitioner: MR.L.PRABHAKAR REDDY

Counsel for the Respondent No.: SMT.G.JYOTHI KIRAN

The Court at the admission state made the following :

THE HON'BLE SRI JUSTICE A. GOPAL REDDY

WRIT PETITION NO. 13458 OF 2004

ORAL ORDER:

For the notice dated 26-7-2004 issued under Section 452 of Hyderabad Municipal Corporation Act (for short 'the Act'), the petitioners submitted their explanation today ie., on 30-7-2004 and filed the writ petition contending that without passing any orders under Section 636 of the Act the respondent authorities are threatening to demolish the construction.

Heard the learned counsel for the petitioner and also learned standing counsel for the respondent.

The learned standing counsel for the Municipal Corporation of Hyderabad submits that after following the necessary procedure under Section 636 of the Act only the authorities have to proceed further in the matter.

In view of the same, if the petitioners require any personal hearing to explain their case, the respondent authorities shall provide such opportunity to the petitioners before passing any order under Section 636 of the Act and if any such order is passed the same shall not be implemented for a period of two weeks enabling the petitioners to avail the appropriate remedy available to them. Till passing of such order under Section 636 of the Act, the respondent authorities shall not demolish the structure pursuant to the impugned notice.

With the above directions, the writ petition is disposed of. No costs.

30-7-2004.

Kvrk

To

1. The Commissioner, Municipal Corporation of Hyderabad, office at Tank Bund, Hyderabad.

2. Two CD copies